

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 01-9006

DONALD HARDCASTLE

v.

MARTIN HORN, COMMISSIONER, PENNSYLVANIA DEPARTMENT OF
CORRECTIONS;
GEORGE R. WHITE, SUPERINTENDENT OF THE STATE CORRECTIONAL
INSTITUTION
AT PITTSBURGH; AND JOSEPH P. MAZURKIEWICZ, SUPERINTENDENT OF
THE STATE
CORRECTIONAL INSTITUTION AT ROCKVIEW,

Appellants

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal Action No.98-cv-03028)
District Judge: Honorable John R. Padova

Argued on May 20, 2003

Before: SCIRICA, Chief Judge, NYGAARD and ROTH, Circuit Judges

ORDER VACATING AND RE-FILING OF OPINION

IT IS ORDERED that the Precedential Opinion filed on May 11, 2004 in the above case be vacated and re-filed with the dissenting opinion.

By the Court,

/s/ JANE. R. ROTH
Circuit Judge

Dated: May 14, 2004
nmb/cc: Robert B. Dunham, Esq.
Thomas W. Dolgenos, Esq.